IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

(1)First Appeal No. 974 of 2001.
(Old No.607 of 1995)
(Under Section 54 of the Land Acquisition Act)

Oil & Natural Gas Corporation,
Through the Chief Manager (P & A),
Tel Bhawan, Dehradun……Appellant,

Vs.
The State of U.P., through Collector, Dehradun,
And 3 others r/o Garhi Cantt., Dehradun…….Respondents.

(2) First Appeal No.975 of 2001.
(Old No.608 of 1995)

Oil & Natural Gas Corporation,
Versus
The State of U.P. & another

(3) First Appeal No.981 of 2001.
(Old No.609 of 1995)

Oil & Natural Gas Corporation,
Versus
The State of U.P. & another

(4) First Appeal No.967 of 2001.
(Old No.611 of 1995)

Oil & Natural Gas Corporation,
Versus
The State of U.P. & 4 others.

(5) First Appeal No.968 of 2001.
(Old No.612 of 1995)

Oil & Natural Gas Corporation,
Versus
The State of U.P. & 2 others,

(6) First Appeal No.970 of 2001.
(Old No.613 of 1995)

Oil & Natural gas Corporation,
Versus
The State of U.P. & 2 othe

(7) First Appeal No.976 of 2001,
(Old No.617 of 1995)

Oil & Natural Gas Corporation,
Versus
The State of U.P. & 5 others

(8) First Appeal No.977 of 2001,
(Old No.618 of 1995)

Oil & Natural Gas Corporation,
Versus
The State of U.P. & 2 others.

(9) First Appeal No.978 of 2001,
(Old No.619 of 1995)

Oil & Natural Gas Corporation,
Versus
The State of U.P. & 4 others

(10) First Appeal No.979 of 2001,
(Old No.620 of 1995)

Oil & Natural Gas Corporation,
Versus
The State of U.P. & 3 others,

For Appellant: Sri L.P. Naithani, Sr. Advocate,
For Respondent No.1: Ld. Standing Counsel of Uttarancha,
Sri Bhupendra Singh, Advocate.
For Respondents 2 to 4: Sri Ashok Aggarwal, Advocate.

September 16, 2004.

Hon'ble P.C. Verma, J.,
Hon'ble B.S. Verma, J.

All these appeals against judgment and order dated 20.5.1995 passed by Smt. Sadhna Chaudhary, II Addl. District Judge, Dehradun governing Land Acquisition Reference No.406/89, 410/89, 409/89, 407/89, 401/89, 401/89, 403/89, 402/89,400/89, and 413/89 made under

S. 18 of the Act. Since common question of law is involved in all these appeals, they are being disposed of by a common order.

It has been submitted on behalf of appellant that the land in dispute was acquired for the use of the appellant who had to pay the compensation awarded by the Collector or the Court and the appellant was as such a necessary party in the above land acquisition references but no notice was issued to it for hearing and adduce evidence before the learned lower court for determination of compensation. The law laid down by the Apex Court in (1195) 2 Supreme Court Cases 326, U.P. Awas Evam Vikas Parishad versus Gyan Devi (dead) by LRs and others. We agree with the argument of learned counsel for appellant that it had a right to appear and adduce evidence in proceedings before the reference court for determination of compensation. In view of this, all the appalls deserve to be allowed and the matter is fit to be remanded to the reference court for decision afresh.

Accordingly, these appeals are allowed. The impugned order dated 20.5.95 is hereby set aside. The amount deposited in the court shall remain deposited and the payment made shall not be recovered. The District Judge shall decide all the references in these appeals after impleading O.N.G.C. as a party within a period of two months on production of a certified copy of this order.

(B.S. Verma, J.) **(P.C.Verma, J.)**

SPA/16.9.04